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**OFFICE OF PETITIONS**

In re Application of  
Walt, et al.  
Application No. 09/816,651  
Filed: March 23, 2001  
Attorney Docket No. A-67209-4/RMS/DCF

DECISION ON PETITION

This is a decision on the petition filed March 4, 2002 (Certificate of Mailing dated February 21, 2002), pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed May 3, 2001. This Notice set a period for reply of two months from the mail date of the Notice to submit the filing fees and an executed oath or declaration (and surcharge for its late filing). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No filing fees or oath or declaration having been received, the above-identified application became abandoned on July 4, 2001. The mailing of the instant decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner submitted the filing fees together with an executed declaration (and the surcharge for its late filing), paid the petition fee, and made the proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$980 extension of time fee submitted with the petition on March 4, 2002 was subsequent to the maximum period obtainable for reply (December 3, 2001), this fee has been refunded to petitioner's Deposit Account 06-1300.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy